

**REMARKS**

**Claim Rejections**

Claims 7-12 are rejected under 35 U.S.C. § 102(b) as being anticipated by Fukasawa (US Pub. 2002/0074660).

It is noted that the reference to Fukasawa was initially cited by the Examiner in the outstanding Final Office Action. Thus, this Amendment represents Applicant's initial opportunity to respond to the rejections based upon this reference.

**Drawings**

It is noted that the Examiner previously accepted the drawings as originally filed with this application.

**Claim Amendments**

By this Amendment, Applicant has canceled claims 1-6 and amended claim 7 of this application. It is believed that the amended claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art.

The cited reference to Fukasawa teaches a plurality of metal wiring layers (M1, M2, M3, M4) connected by interconnection portions (CUT12, CUT 23, CUT 34). However, the metal wiring layer (M4) is connected to all of the interconnection portions extending through the metal wiring layers (M1-M3).

Fukasawa does not teach forming an upper metal layer overlying the pluralities of circuit passageways and located adjacent to a top metal layer of the m metal layers, said upper metal layer being connected to a predetermined number of top metal layer circuit passageways, the predetermined number of top metal layer circuit passageways being less than all of a plurality of top metal layer circuit passageways of the pluralities of circuit passageways located through the top metal layer of the m metal layers; nor does Fukasawa teach modifying said circuit element by connecting said upper metal layer to a different set of the plurality of top metal layer circuit passageways located in the top metal layer of the m metal layers, the different set of top metal layer circuit passageways being less than all of the plurality

of top metal layer circuit passageways of the pluralities of circuit passageways located through the top metal layer of the m metal layers.

It is axiomatic in U.S. patent law that, in order for a reference to anticipate a claimed structure, it must clearly disclose each and every feature of the claimed structure. Applicant submits that it is abundantly clear, as discussed above, that Fukasawa does not disclose each and every feature of Applicant's amended claims and, therefore, could not possibly anticipate these claims under 35 U.S.C. § 102. Absent a specific showing of these features, Fukasawa cannot be said to anticipate any of Applicant's amended claims under 35 U.S.C. § 102.

It is further submitted that Fukasawa does not disclose, or suggest any modification of the specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Thus, it is not believed that Fukasawa renders obvious any of Applicant's amended claims under 35 U.S.C. § 103.

### **Summary**

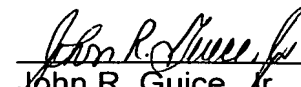
In view of the foregoing, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should the Examiner not be of the opinion that this case is in condition for allowance, it is requested that this amendment be entered for the purposes of appeal, since it represents Applicant's initial opportunity to respond to the rejections based upon Fukasawa.

Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

Date: January 31, 2007

By:

  
John R. Guice, Jr.  
Reg. No. 39,699

TROXELL LAW OFFICE PLLC  
5205 Leesburg Pike, Suite 1404  
Falls Church, Virginia 22041  
Telephone: 703 575-2711  
Telefax: 703 575-2707

**CUSTOMER NUMBER: 40144**